

REMARKS

This is an amendment in response to the Office Action mailed January 27, 2006 in which claims 12, 16, 19, 28, 36, 37 and 41-46 were rejected. Claims 36, 37, 41 and 44 were rejected under 35 U.S.C. §112, ¶1 for failing to comply with the enablement requirement, and claims 36 and 37 were rejected under 35 U.S.C. §112, ¶2 for failing to particularly point out and distinctly claim the invention. Claims 36, 37, 41 and 44-46 were rejected under 35 U.S.C. §102(e) as being anticipated by Marrah et al. (U.S. Pat. No. 6,728,522). Claims 19 and 43 were rejected under 35 U.S.C. §102(e) as being anticipated by Koeller (U.S. Pat. No. 6,297,766). Claims 12, 16, 19, 42 and 43 were rejected under 35 U.S.C. §103(a) as being obvious over Koeller. Claim 28 was rejected under 35 U.S.C. §103(a) as being obvious over Alcock et al. (U.S. Pat. App. Pub. No. 2004/0198389) in view of Lamb (U.S. Pat. App. Pub. No. 2003/0193394) in further view of Moragne et al. (U.S. Pat. App. Pub. No. 2002/0107947).

With this amendment, claims 28, 36, 37 and 44-46 have been canceled, and new dependent claims 47 and 48 have been added. The allowability of each of the new claims is discussed below.

Claim Rejections - 35 U.S.C. §112

Claims 36, 37, 41 and 44 were rejected under 35 U.S.C. §112, ¶1 for failing to comply with the enablement requirement, and claims 36 and 37 were rejected under 35 U.S.C. §112, ¶2 for failing to particularly point out and distinctly claim the invention. With the present Amendment, claims 36, 37, 41 and 44 have been canceled. The rejections under §112 are therefore moot.

Claim Rejections - 35 U.S.C. §102(e)

Claims 36, 37, 41 and 44-46 were rejected under 35 U.S.C. §102(e) as being anticipated by Marrah et al. (U.S. Pat. No. 6,728,522). With the present Amendment, claims 36, 37, 41 and 44-46 have been canceled. The rejections under §102(e) based upon Marrah et al. are therefore moot.

Claims 19 and 43 were rejected under 35 U.S.C. §102(e) as being anticipated by Koeller (U.S. Pat. No. 6,297,766).

Amended independent claim 19 relates to a portable alert system for receiving emergency event data. The system according to amended independent claim 19 requires a radio receiver for receiving emergency event data, a global positioning system (GPS) receiver for determining a location of the portable alert system, a cellular phone system for receiving digital data, a computer processor disposed within the portable alert system, and control software utilized by the computer processor for processing the emergency event data and an input from the global positioning system to provide an output to a display indicating a position of the portable alert system and a position of an emergency. According to amended independent claim 19, the computer processor must process the input from the global positioning system receiver to automatically program the radio receiver to receive only an emergency data broadcast data signal associated with the location of the portable alert system, and utilize the control software to simultaneously process the emergency event data from the radio receiver and the digital data from the cellular phone system. The structure and language of amended independent claim 19 draws a distinction between digital data used by the cell phone system and input "data" used by the global positioning system receiver.

Koeller discloses a portable weather indicating device and method. The device 100 of Koeller includes a housing 110 having a display 120, a GPS receiver 220, a microprocessor 230, and a communications link 250. (Koeller, col. 2, ll. 61-67; FIGS. 1 and 2). Koeller discloses that the communications link 250 can operate using RF, modem, cellular phone, or satellite communications. (Koeller, col. 3, line 56 to col. 4, line 25). Weather data is transmitted from a data source 202 to a base station 200 having a communications link 204, which in turn is linked to the communications link 250 of the device 100. (Koeller, col. 4, ll. 6-13 and 26-47; FIG. 2). Weather data received by the device 100 of Koeller can include visual weather data displayed on the display 120. (Koeller, col. 4, ll. 26-47; col. 6, ll. 1-56; FIGS. 6 and 7). According to Koeller, all weather data, including both weather image data, is transmitted to from a single source. (Koeller, col. 5, line 20 to col. 6, line 56; FIGS. 3, 6 and 7).

Namely, the device 100 of Koeller obtains weather data solely from a single wireless link with the nearest base station 200. (Koeller, col. 5, ll. 20-27 and 57-64).

In order to anticipate a claim, the identical invention must be shown in a reference in as complete detail as is contained in the claim. M.P.E.P. 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d (BNA) 1913, 1920 (Fed. Cir. 1989). Likewise, in order to reject a claim under 35 U.S.C. §102, each and every element as set forth in the claim must be found, either expressly or inherently described, in the prior art. See M.P.E.P. 2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d (BNA) 1051, 1053 (Fed. Cir. 1987).

Koeller does not show, teach or disclose each and every limitation of amended independent claim 19. As required by amended independent claim 19, a computer processor located within the portable alert system must utilize control software to simultaneously process emergency event data from a radio receiver and digital data from a cellular phone system. In contrast, Koeller discloses only the use of a single communications link (between communication links 204 and 250). Koeller fails to disclose simultaneous processing of multiple data signals within the portable device 100 at all. The system defined by amended independent claim 19 requiring simultaneous processing within the portable system of two distinct signals is not contemplated or even suggested by Koeller. GPS input data is distinguished from digital data used by the cell phone system in amended independent claim 19. Thus, Koeller fails to anticipate or make obvious each and every limitation of amended independent claim 19, and the rejection under §102(e) should be withdrawn. Notification to that effect is requested.

Claims 43 and 48 depend from amended independent claim 19, and include all of the limitations of that base claim. Dependent claims 43 and 48 are likewise allowable over the cited art for the reasons stated above. The rejections under §102(e) should be withdrawn. Notification to that effect is requested.

Claim Rejections - 35 U.S.C. §103(a)

Claim 28 was rejected under 35 U.S.C. §103(a) as being obvious over Alcock et al. (U.S. Pat. App. Pub. No. 2004/0198389) in view of Lamb (U.S. Pat. App. Pub. No. 2003/0193394) in further view of Moragne et al. (U.S. Pat. App. Pub. No. 2002/0107947). With the present Amendment, claim 28 has been canceled. The rejection under §103(a) based upon Alcock et al. in view of Lamb in further view of Moragne et al. is therefore moot.

Claims 12, 16, 19, 42 and 43 were rejected under 35 U.S.C. §103(a) as being obvious over Koeller.

Amended independent claim 12 relates to a portable alert system for receiving emergency event data. The system according to amended independent claim 12 requires a radio receiver for receiving emergency event data, a global positioning system receiver for determining a location of the portable alert system, a satellite receiver for receiving digital data, a computer processor disposed within the portable alert system, and control software utilized by the computer processor for processing the emergency event data and an input from the global positioning system to provide an output to a display indicating a position of the portable alert system and a position of an emergency. According to amended independent claim 12, the computer processor must process the input from the global positioning system receiver to automatically program the radio receiver to receive only an emergency data broadcast data signal associated with the location of the portable alert system and utilize the control software to simultaneously process the emergency event data from the radio receiver and the digital data from the satellite receiver. The structure and language of amended independent claim 12 draws a distinction between digital data used by the satellite receiver and input "data" used by the global positioning system receiver.

The relevant disclosure of Koeller is discussed above.

Koeller does not disclose or suggest each and every limitation of amended independent claim 12. As required by amended independent claim 12, a computer processor located within the portable alert system must utilize control software to simultaneously process emergency event data from

a radio receiver and digital data from a satellite receiver. GPS input data is distinguished from digital data used by the cell phone system in amended independent claim 12. In contrast to amended independent claim 12, Koeller discloses only the use of a single communications link (between communication links 204 and 250). Koeller discloses alternative means for enabling the single communication link, but fails to disclose simultaneous processing of emergency event data from a radio receiver and digital data from a satellite receiver within the portable device 100. Indeed, Koeller fails to disclose simultaneous processing of multiple data signals within the portable device 100 at all. Rather, as discussed above, Koeller obtains a single signal from the data source 202 of the base station 200. The system defined by amended independent claim 12 is not contemplated or suggested by Koeller. Thus, Koeller fails to anticipate or make obvious each and every limitation of amended independent claim 12, and the rejection under §103(a) should be withdrawn. Notification to that effect is requested.

Claims 42 and 47 depend from amended independent claim 12, and include all of the limitations of that base claim. For the reasons stated above, dependent claims 42 and 47 are likewise allowable over the cited art and the rejections under §103(a) should be withdrawn. Notification to that effect is requested.

CONCLUSION

All of the pending claims are currently in condition for allowance. Notification to that effect is requested. The Examiner is invited to contact the undersigned at the telephone number listed below if such a call would in any way facilitate allowance of the application. The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,
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